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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

ETTER

Serial No.: 10/717,429

Filed: November 19, 2003

Confirmation No.: 7009

Atty. File No.: 42830-10009

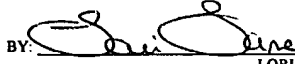
For:

"PARTICULATE DRUG-CONTAINING  
PRODUCTS AND METHOD OF  
MANUFACTURE"

) Group Art Unit: 1614

) Examiner: Not yet assigned

) INFORMATION DISCLOSURE STATEMENT

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON AUGUST 26, 2004</p> <p style="text-align: center;">MARSH FISCHMANN &amp; BREYFOGLE LLP</p> <p>BY:  _____ LORI LANE</p>
--

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to Applicant's duty of disclosure under 37 CFR § 1.56 and 37 CFR §§ 1.97-1.98, Applicant hereby submits the enclosed PTO Form 1449, although Applicant does not admit that any of such documents, alone or in any combination, is considered to be material to patentability as defined in 37 CFR § 1.56(b). Moreover, the inclusion of these documents is not to be construed as an admission by Applicant that each such document is prior art as to the above-identified application.

Pursuant to the Official Gazette Notice of August 5, 2003, copies of any U.S. Patents or published U.S. Patent Applications are not being submitted herewith.

Attorney Docket No.: 42830-10009

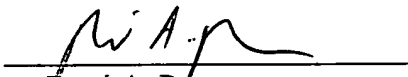
PATENT APPLICATION

Copies of any foreign patent and non-patent documents are submitted herewith. No fees are believed to be due with this communication, however, please charge any required fees to deposit account 50-1419.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

Date: August 26, 2004

By:   
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**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
42830-10009

In Re Application Of:

ETTER

Serial No.  
10/717,429Filing Date  
November 19, 2003Examiner  
Not yet assignedGroup Art Unit  
1614

Title:

**"PARTICULATE DRUG-CONTAINING PRODUCTS AND METHOD OF MANUFACTURE"**

Address to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:
- ☐ the statement specified in 37 CFR 1.97(e);
- OR**
- ☐ the fee set forth in 37 CFR 1.17(p).

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
42830-10009

In Re Application:

AUG 30 2004

ETTER

Serial No.

10/717,429

Filing Date

November 19, 2003

Examiner

Not yet assigned

Group Art Unit

1614

**"PARTICULATE DRUG-CONTAINING PRODUCTS AND METHOD OF MANUFACTURE"****Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 50-1419 as described below.
- ☐ Charge the amount of \_\_\_\_\_
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LORI LANE

Typed or Printed Name of Person Mailing Certificate

\*This certificate may only be used if paying by deposit account.

Dated:

August 26, 2004

Signature

René A. Pereyra

Registration No. 45,800

Marsh Fischmann &amp; Breyfogle LLP

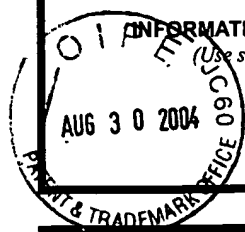
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CC:



**INFORMATION DISCLOSURE CITATION**  
(Use several sheets if necessary)

<b>Docket Number (optional)</b> 42830-10009	<b>Application Number</b> 10/717,429
<b>Applicant(s)</b> ETTER	
<b>Filing Date</b> November 19, 2003	<b>Group Art Unit</b> 1614

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1.	4,895,719	01/23/1990	RADHAKRISHNAN ET AL.	424	45	
	2.	5,460,173	10/24/1995	MULHAUSER ET AL.	128	203.15	
	3.	5,503,869	04/02/1996	VAN OORT	427	2.14	
	4.	5,619,984	04/15/1997	HODSON ET AL.	128	203.15	
	5.	5,639,441	06/17/1997	SIEVERS	424	9.3	
	6.	5,654,007	08/05/1997	JOHNSON ET AL.	424	489	
	7.	5,770,559	06/23/1998	MANNING ET AL.	514	2	
	8.	5,794,613	08/18/1998	PISKORSKI	128	203.12	
	9.	5,795,594	08/18/1998	YORK	424	489	
	10.	5,814,678	09/29/1998	RANDOLPH	522	18	
	11.	5,851,453	12/22/1998	HANNA ET AL.	264	5	

**FOREIGN PATENT DOCUMENTS**

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
	A.	0 069 715 B1	11/05/1986	Europe				
	B.	0 542 314 A1	05/19/1993	Europe				
	C.	0 542 314 B1	07/01/1998	Europe				
	D.	WO 95/01221	01/12/1995	WIPO				
	E.	WO 96/00610	01/11/1996	WIPO				

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)

I.	"Drug Formulation Technology For Compounds Administered by Inhalation," Alliance Pharmaceutical Corp; Web Page <a href="http://www.allp.com/PulmoSpheres/PS_WHITE.HTM">www.allp.com/PulmoSpheres/PS_WHITE.HTM</a> ; publication date unknown.
II.	Zia, Hossein et al., "Comparison of Nasal Insulin Powders Prepared by Supercritical Fluid and Freeze-Drying Techniques," <i>Particulate Science and Technology</i> , 15:273-301 (1997).

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application

<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>	<b>Docket Number (optional)</b> 42830-10009	<b>Application Number</b> 10/717,429
	<b>Applicant(s)</b> ETTER	
	<b>Filing Date</b> November 19, 2003	<b>Group Art Unit</b> 1614

U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	12.	5,874,064	02/23/1999	EDWARDS	424	46	
	13.	5,875,776	03/02/1999	VAGHEFI	128	203.15	
	14.	5,997,848	12/07/1999	PATTON	424	46	
	15.	6,063,910	05/16/2000	DEBENEDETTI ET AL.	530	418	
	16.	6,177,103	01/23/2001	PACE ET AL.	424	489	
	17.	6,372,260	04/16/2002	ANDERSSON ET AL.	424	501	

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
	F.	WO 96/32149	10/17/1996	WIPO				
	G.	WO 98/04308	02/05/1998	WIPO				
	H.	WO 98/29141	07/09/1998	WIPO				
	I.	WO 98/36825	08/27/1998	WIPO				
	J.	WO 99/16419	04/08/1999	WIPO				

OTHER DOCUMENTS		(Including Author, Title, Date, Pertinent Pages, Etc.)
III.	Knutson, Barbara L. et al., "Preparation of Microparticulates Using Supercritical Fluids," <i>Drugs Pharm. Sci.</i> , 77:89-125 (1996)	
IV.	Tom, Jean W. and Pablo G. Debenedetti, "Formation of Bioerodible Polymeric Microspheres and Microparticles by Rapid Expansion of Supercritical Solutions,," <i>Biotechnol. Prog.</i> , 1991, vol. 7, No. 5, pp. 403-411.	

EXAMINER	DATE CONSIDERED
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